

Serial No. 09/599,371
Attorney Docket No. 101992-200

REMARKS

Reconsideration of this application is respectfully requested.

Claims 10, 11 and 48 have been cancelled by the foregoing amendment.

Claims 1,33,34,43,45, 50, 52, 56 and 57 remain in the application. New independent claim 59 has been added.

Claim 34 has been amended to eliminate "zinc oxide" which was erroneously included in the recited group of zinc salts. The rejection under 35 U.S.C. 112 is therefore obviated

Claim 1 has been amended to include the weight ratio recited in cancelled claim 11, namely, about 1:100 to about 1:10, and is believed to obviate the rejection of claims 1, 43, 50, 52 and 57 as being anticipated by Kaufman et al. under 35 U.S.C. (e). as well as the rejection of amended claim 1 under 35 U.S.C. 102 (b) in view of Dixon.

The rejection of amended claims 1 33,34, 43, 45, 50 52, and 56 under 35 U.S.C. 102(b) is believed to be untenable since Nagata does not disclose concentrations of the instantly claimed range of dilution ratios and does not disclose diluting down any concentrate to within the range of amounts of zinc and zinc pyrithione disclosed in the reference.

Applicants' claims 1 33, 34, 43, 50, 52 and 57 are believed to be patentable over Wiese under 35 U.S.C 102(b) or 35U.S.C. 103(a) since this patentee does not disclose or suggest any antimicrobial concentrates let alone the instantly claimed dilution range.

The rejection of claims 1, 33, 34, 43, 45, 50, 52 56 and 57 under 35 U.S.C. 103(a) as unpatentable over Kappock et al is untenable since Kappock teaches lengthening the duration of antimicrobial effectiveness in a dry film by means of ion exchange to an insoluble salt of pyrithione. Kappock does not disclose or suggest immediately enhancing antimicrobial effectiveness against a variety of microorganisms, but rather extending the duration of efficacy.

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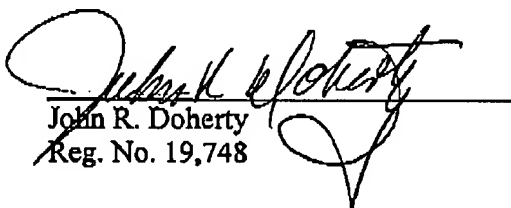
New claim 59 is similar to amended claim 1 but in also specifies that the composition additionally comprises an alkanolamine as the organic solvent. Claims 56 and 59 contain the same limitation and are thought to patentably distinguish over the art of record.

An action allowing all of the claims now in this application is respectfully requested.

Please apply any credits or charge any deficiencies to our Deposit Account No. 23-1665.

Respectfully submitted,
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